



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

January 20, 2015

Ms. Valerie Nottingham
National Institute of Health
B13/2S11
9000 Rockville Pike
Bethesda, MD 20892

Re: Final Environmental Impact Statement for the Proposed 2013 National Institutes of Health
Bethesda Campus, Maryland (CEQ #20140336)

Dear Ms. Nottingham:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement (EIS) for the Proposed 2013 Master Plan for the National Institutes of Health (NIH) Bethesda Campus in Bethesda, Maryland.

EPA appreciates your time in addressing our comments and forwarding the FEIS to us. In an effort to provide a clearer understanding of our comments and enhance the environmental assessment process, EPA is providing the following attachment, Technical Comments, for your review and consideration.

Thank you for providing EPA with the opportunity to review this project. If you have questions, the staff contact for this project is Karen DelGrosso; she can be reached at 215-814-2765.

Sincerely,

A handwritten signature in dark ink, appearing to read "Barbara Rudnick", is written over a horizontal line.

Barbara Rudnick
NEPA Team Leader
Office of Environmental Programs

Enclosure



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*

Technical Comments

Water Quality/Aquatic Habitat

Comment/Response 6-16: As noted on page 4-8, “Heated water discharges are projected to increase from 300,000 to 560,000 gallon per day (gpd).” EPA appreciates NIH’s response that the NIH Stream underwent major improvements in 2003 and that “Any future power plant cooling capacity expansion would have to consider control of thermal and aquatic impacts to the stream in the project.” EPA is concerned that the projected increase in heated water discharges may negatively impact the stream. Potential impacts (if any) that could result due to the projected increase in heated water that may enter the stream should be assessed and plans to control thermal impacts should be addressed.

Wetlands

Comment 6:20 states, Page 3-17 states, “The only hydric or normally saturated soil on the campus is the Baile loam in the northeast corner of the site (See Figure 3-6).” Figure 3-6 does not provide a legend, there is no study area boundary indicated to interpret map. There are two areas (green) that could be wetland areas, but no legend to confirm nor a boundary to determine if these areas are inside or outside of the study area. Please include a legend and study area boundary to define Figure 3-6. **Response 6-20** states, “A Legend has been added to Figure 3-6 on page 3-18.” Unfortunately, Figure 3-6 on page 3-20 of the FEIS does not have a legend included nor does it depict a boundary of the study area. The only difference in the figures is that the title of the figure changed from “Maryland Department of Natural Resources Wetland Mapping” to “NIH Stream Valley Channels” and the two green areas that were thought to represent wetlands are no longer highlighted on the figure in the FEIS. The EIS states, “The possible wetland areas are indicated along the stream valley channels of the NIH Stream (Figure 3-6) and the Stony Creek Pond (Figure 3-7).” As noted in Response 6-19: “The NIH will conduct wetland assessments when a proposed project has the potential to encroach onto a suspected wetland area.” EPA appreciates this intended effort; however, it is important to note that wetland areas, regardless of encroachment, should be identified in the EIS. Although the stream channels are identified, potential wetland areas should be depicted on a map. Since the wetland assessments have yet to be conducted, impacts to this resource cannot be assessed at this time. Thus, future environmental assessments may be required to address potential wetland impacts.

Environmental Justice

Response 6-43 states, “Please see Table 3.32: Race, Ethnicity, Income, and Poverty Data for Geographic Areas, 2009 for minority populations for each block group. Although Tract 7048.1 is at 13 percent, the Census Bureau defines a “poverty area” as a census tract with 20 percent or more of its residents below the poverty threshold. The NIH understands the average is higher than the remainder of the county and state but feels that its actions will not have an



adverse or disproportionate impact on this Tract or any others in Montgomery County or the State of Maryland.”

The original comment was meant to identify an area that lies outside of the demographic characteristics for the area. It is important that such areas be identified as a part of the assessment. That identification is not predicated on there being a finding of adverse or disproportionate impacts. It is a part of the process. It does not matter if there are anticipated impacts. What is important is that we identify at-risk areas, noting them for the record.

If it is felt that the action will not have any adverse impacts, that finding should be documented with the appropriate supporting data in the appropriate section of the document.

Miscellaneous

Comment 6:56 states, “Page ES-20 references Approvals/Actions Required by Other Government Agencies; however, there is no mention of regulatory requirements for NIH. In addition to NEPA, other laws, regulations, permits and licensees may be applicable to the proposed action. Please provide applicable regulatory requirements and approvals.” **Response 6-56** states that the following text was added to ES-20: “The NIH will follow all local, state, and federal regulatory requirements during any construction of the proposed action.” EPA appreciates this blanket statement and is aware that this EIS references a Master Plan; however, all applicable laws, regulations, permits, etc are typically listed in the EIS including Executive Orders, etc. For future NEPA documentation, please list all applicable regulation requirements and approvals.

